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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,853	02/25/2002	Bruno Couillard	47-25 US	3849

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EXAMINER

POLTORAK, PIOTR

ART UNIT PAPER NUMBER

2134

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,853

Applicant(s)

COUILLARD, BRUNO

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-17 have been examined.

#### ***Drawings***

2. The drawings are objected to because Fig. 1b and 1c appear to be Prior Art (similar to Fig. 1a) but they are not labeled as such.
3. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

4. The limitation "... processor are same" in claim 10 should be rewritten to "processor are the same".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
6. Applicant is encouraged to use more simple language to express claim limitations. It not only will allow applicant to overcome 35 U.S.C. 112, second paragraph rejections but also will permit applicant to articulate applicant's invention more clearly.
7. The limitation a) in claim 1 is not understood. It is not clear for example whether an individual provides a challenge, whether the user provides an input transducer or whether there is some other interpretation of the claim language. Also, claim 1 a) is confusing in regard to the subject of the challenge. It is not clear whether the challenge is provided by or to the individual.
8. For purposes of further examination the phrase is treated as best understood and applicant should simplify and clarify the language of the limitation.
9. Claims 9-10 are not clear. Claim 9 further limits claim 8 reciting that the universal password generator comprises "a second secure processor" and claim 10 broadens the limitations of claim 9, essentially removing some of the limitations introduced by claim 9: "the secure processor and the second secure processor are same".

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10. For purposes of further examination the examiner treats "a second secure processor" in claim 9 as the same as the secure processor.
11. The limitation 16 h) recites: "comparing the generated data with stored templates of biometric data, and for, in dependence upon a comparison result, performing one of authenticating and other than authentication the individual". The "and for" and "other than authentication the individual" is not clear and is treated as best understood.
12. The limitation of claim 16 "wherein the step (d) is performed in dependence upon the result of the step (h)" is not understood. Claim 16 does not contain any step "(d)s" and it is not clear whether the limitation is directed to claim 17 or to claim 11.
13. Furthermore, it is not clear how step (d) can be performed based on the result of the step that follows later.

For purposes of further examination limitations "d" and "h" are ignored.

14. Claims 2-8 are rejected by virtue of their dependence.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by  
(U.S. Patent No.) *Scheidt et al.* (U.S. Patent No. 5432851).

16. As per claim 1 *Scheidt et al.* teach an input transducer for receiving a challenge, the challenge provided by the compatible challenging system to an individual and for being provided to the input transducer by the individual, a challenge being provided to the input transducer by an individual (*col. 1 lines 30-31*) and a secure processor for securely processing the received challenge using secure process and stored secure data to determine a response compatible with the challenging system, the challenge being securely processed such that the individual is not able to determine a same response to a same challenge absent the universal password generator (*col. 1 lines 31-34*).
17. *Scheidt et al.* teach displaying the response in a human intelligible form, wherein, in use, upon providing a challenge to the input transducer (*col. 1 lines 33-35*), when entered manually into the compatible challenging system provides access thereto (*col. 1 lines 35-36*).
18. Claims 11 and 17 are substantially equivalent to claim 1; therefore claims 11 and 17 are similarly rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Scheidt et al.* (U.S. Patent No. 5432851) in view of *Traw et al.* (U.S. Pub. 20020007452).

20. *Scheidt et al.* teach a universal password generator as discussed above.

21. *Scheidt et al.* do not teach encrypting the challenge according to the secured data stored.

22. *Traw et al.* teach encrypting the challenge with a secret key [84 and 90].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to encrypt the challenge according to the secured data stored (e.g. secret key) as taught by *Traw et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to secure challenge.

23. Claims 3, 8-10 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Scheidt et al.* (U.S. Patent No. 5432851) in view of each of *Gardner* (U.S. Pub. No. 20030101322) and Official Notice.

24. *Scheidt et al.* teach a universal password generator as discussed above.

25. In order to execute instructions, a computer must have data that indicates these instructions.

26. As per claims 8-10 *Scheidt et al.* do not teach that instructions for execution are indicated as a secure process.

27. *Gardner* teaches that instructions for execution are indicated as a secure process [193].

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to indicate instruction for execution as a secure process. One of ordinary skill in the art would have been motivated to perform such a modification in order to recognize the process as secure.

28. *Scheidt et al.* do not teach that the secure process comprises a plurality of secure processes, each secure process from the plurality of secure processes being associated with a compatible challenging system.

Official Notice is taken that it is old and well-known practice that a process (e.g. secure process) comprises a plurality of other processes (*secure processes*). One of ordinary skill in the art at the time of applicant's invention would have been motivated to employ a secure process comprising a plurality of secure processes to take advantage of multitasking code reusability etc.

29. Claims 5-7 and 16 are rejected under 35 U.S.C. 103(a) as being obvious over *Scheidt et al.* (U.S. Patent No. 5432851) in view of Official Notice.

30. *Scheidt et al.* teach a universal password generator as discussed above.

31. *Scheidt et al.* do not teach a biometric imager security input for authenticating an individual.

Official Notice is taken that it is old and well-known practice to utilize a biometric image security for authentication purposes given benefit of security.

32. Stored templates are inherently used in the biometric image authentication where they are compared against biometric image security input images.



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33. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as unpatentable over *Scheidt et al.* (U.S. Patent No. 5432851) in view of *Spagna* (U.S. Pub. No. 20020002468).

34. *Scheidt et al.* teach a universal password generator as discussed above.

35. *Scheidt et al.* do not teach that the universal password generator comprises a clock for providing a time value for use in secure processing of the challenge in dependence upon the time value, wherein in use, the response is different for different time values.

36. *Spagna et al.* teach a clock for providing a time value for use in secure processing dependent upon the time value (*time stamp*), wherein in use, the outcome (*e.g. response*) is different for different time values [1245].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide a time value for use in secure processing of the challenge in dependence upon the time value, wherein in use, the response is different for different time values. One of ordinary skill in the art would have been motivated to perform such a modification in order to increase outcome (*e.g. response*) complexity.


### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

  
10/30/05

  
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